

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2727

(Reference to House engrossed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 8-105, Arizona Revised Statutes, is amended to  
3 read:

4 8-105. Preadoption certification; investigation; central  
5 adoption registry

6 A. Before any prospective adoptive parent may petition to adopt a  
7 child the person shall be certified by the court as acceptable to adopt  
8 children. A certificate shall be issued only after an investigation  
9 conducted by an officer of the court, by an agency or by the division. A  
10 written application for certification shall be made directly to the court, to  
11 an agency or to the division, in the form and content required by the court,  
12 agency or division.

13 B. The division is not required to accept every application for  
14 certification. In determining which applications to accept the division may  
15 give priority to applications filed by adult residents of this state who wish  
16 to adopt a child who has any ~~of the~~ special needs ~~described~~ AS DEFINED in  
17 section 8-141.

18 C. After receiving and accepting the written and completed application  
19 of the prospective adoptive parent or parents, which shall include a  
20 financial statement and a physician's or a registered nurse practitioner's  
21 statement of each applicant's physical health, the division, the agency or an  
22 officer of the court shall conduct or cause to be conducted an investigation  
23 of the prospective adoptive parent or parents to determine if they are fit  
24 and proper persons to adopt children.

25 D. The division shall not present for certification a prospective  
26 adoptive parent unless that person has a valid fingerprint clearance card

1 issued pursuant to title 41, chapter 12, article 3.1 ~~or provides to the~~  
2 ~~division documentation of the person's application for a fingerprint~~  
3 ~~clearance card~~. The prospective adoptive parent must certify on forms that  
4 are provided by the division and that are notarized whether the prospective  
5 adoptive parent is awaiting trial on or has ever been convicted of any of the  
6 criminal offenses listed in section ~~41-1758.03, subsections B and C~~  
7 **41-1758.07, SUBSECTIONS B AND C** in this state or similar offenses in another  
8 state or jurisdiction.

9 E. An officer of the court may obtain a state and federal criminal  
10 records check pursuant to section 41-1750 and Public Law 92-544. The  
11 department of public safety may exchange this fingerprint data with the  
12 federal bureau of investigation.

13 F. This investigation and report to the court shall consider all  
14 relevant and material facts dealing with the prospective adoptive parents'  
15 fitness to adopt children and shall include:

- 16 1. A complete social history.
- 17 2. The financial condition of the applicant.
- 18 3. The moral fitness of the applicant.
- 19 4. The religious background of the applicant.
- 20 5. The physical and mental health condition of the applicants.
- 21 6. Any court action for or adjudication of child abuse, abandonment of  
22 children, dependency or termination of parent-child relationship in which the  
23 applicant had control, care or custody of the child who was the subject of  
24 the action.

25 7. Whether the person or persons wish to be placed on the central  
26 registry established in subsection M of this section.

27 8. All other facts bearing on the issue of the fitness of the  
28 prospective adoptive parents that the court, agency or division may deem  
29 relevant.

30 G. The investigator shall not reveal to the prospective adoptive  
31 parents the identity of a child or the child's parent or parents and shall  
32 not reveal to the child or the child's parent or parents the identity of the  
33 prospective adoptive parents if these facts are not already known.

1           H. Within ninety days after the original application prescribed by  
2 subsection A of this section has been accepted, the division or the agency or  
3 a person or agency designated by the court to conduct an investigation shall  
4 present to the juvenile court the written report required by subsection F of  
5 this section, which shall include a definite recommendation for certifying  
6 the applicant as being acceptable or nonacceptable to adopt children ~~with~~ AND  
7 the reasons for the recommendation.

8           I. Within sixty days after receiving the investigation report required  
9 by subsections F and H of this section, the court shall certify the applicant  
10 as being acceptable or nonacceptable to adopt children based on the  
11 investigation report and recommendations of the report. A certification  
12 remains in effect for eighteen months from the date of its issuance and may  
13 be extended for additional one year periods if after review the court finds  
14 that there have been no material changes in circumstances that would  
15 adversely affect the acceptability of the applicant to adopt.

16           J. The court may require additional investigation if it finds that  
17 additional information is necessary on which to make an appropriate decision  
18 regarding certification.

19           K. Any applicant who has been certified as nonacceptable may petition  
20 the court to review such certification. Notice shall be given to all  
21 interested parties and the matter shall be heard by the court, which may  
22 affirm or reverse the certification.

23           L. If the applicant is certified as nonacceptable, the applicant may  
24 not reapply for certification to the court, to any agency or to the division  
25 for one year.

26           M. The division shall maintain a central adoption registry that  
27 includes the names of all prospective adoptive parents currently certified by  
28 the court as acceptable to adopt children, except those who request that  
29 their names not be included, the names of all children who are under the  
30 jurisdiction of the division and who are currently available for adoption,  
31 the names of any other children who are currently available for adoption and  
32 whose names are voluntarily entered in the registry by any agency, parent or  
33 other person that has the right to give consent to the child's adoption, and

1 other information as the division may elect to include in aid of adoptive  
2 placements. Access to information in the registry shall be made available on  
3 request to any agency under assurances as the division may require that the  
4 information sought is in furtherance of adoptive placements and that  
5 confidentiality of the information is preserved.

6 N. This section does not apply if:

7 1. The prospective adoptive parent is the spouse of the birth or legal  
8 parent of the child to be adopted or is an uncle, aunt, adult sibling,  
9 grandparent or great-grandparent of the child of the whole or half-blood or  
10 by marriage or adoption.

11 2. The birth or legal parent is deceased but at the time of death the  
12 parent had legal and physical custody of the child to be adopted and the  
13 child had resided primarily with the spouse of the birth or legal parent  
14 during the twenty-four months before the death of the parent.

15 3. The grandparent, great-grandparent, aunt, adult sibling or uncle is  
16 deceased but at the time of death that person had legal and physical custody  
17 of the child to be adopted and the child had resided primarily with the  
18 spouse of the grandparent, great-grandparent, aunt, adult sibling or uncle  
19 during the twenty-four months before the death of the grandparent,  
20 great-grandparent, aunt, adult sibling or uncle.

21 0. If the applicant has adopted a child within three years preceding  
22 the current application and is applying to adopt another child or is a foster  
23 parent who is licensed by this state, the division or agency or a person  
24 designated by the court to conduct an investigation shall only provide an  
25 update report on any changes in circumstances that have occurred since the  
26 previous certification or licensing report. If the applicant has adopted a  
27 child more than three years before the current application and is applying to  
28 adopt another child, the division or agency or a person designated by the  
29 court to conduct an investigation may provide an updated report on any  
30 changes in circumstances that have occurred since the previous certification  
31 or licensing report. The court shall certify the applicant as acceptable to  
32 adopt unless there are changes in circumstances that adversely affect the

1 applicant's parenting ability. In making this determination, the court shall  
2 consider information from the prior certification or licensing report.

3 Sec. 2. Section 8-509, Arizona Revised Statutes, is amended to read:

4 8-509. Licensing of foster homes; renewal of license;  
5 provisional license

6 A. The division shall license and certify foster homes. Licenses are  
7 valid for a period of one year.

8 B. The division shall not issue a license without satisfactory proof  
9 that the foster parent or parents have completed six actual hours of approved  
10 initial foster parent training as set forth in section 8-503 and that each  
11 foster parent and each other adult member of the household has a valid  
12 fingerprint clearance card issued pursuant to title 41, chapter 12, article  
13 3.1 ~~or provides to the division documentation of the person's application for~~  
14 ~~a fingerprint clearance card.~~ The foster parent and each other adult member  
15 of the household must certify on forms that are provided by the division and  
16 that are notarized whether the foster parent or other adult member of the  
17 household is awaiting trial on or has ever been convicted of any of the  
18 criminal offenses listed in section ~~41-1758.03, subsections B and C~~  
19 41-1758.07, SUBSECTIONS B AND C in this state or similar offenses in another  
20 state or jurisdiction.

21 C. The division shall not renew a license without satisfactory proof  
22 that the foster parent or parents have completed six actual hours of approved  
23 ongoing foster parent training as set forth in section 8-503.

24 D. Notwithstanding the requirements of subsections B and C of this  
25 section, if the division determines a condition of hardship to the foster  
26 parent or parents, the division may issue a provisional license for a period  
27 not to exceed six months. A provisional license may not be renewed.

28 E. Child welfare agencies that submit foster homes for licensing shall  
29 conduct an investigation of the foster home pursuant to licensing rules of  
30 the division. The division shall conduct investigations of all other foster  
31 homes. If the foster home meets all requirements set by the division, the  
32 agency shall submit an application stating the foster home's qualifications

1 to the division. The agency may also recommend the types of licensing and  
2 certification to be granted to the foster home.

3 F. The division shall accept an adoptive home certification study as a  
4 licensing home study if the study has been updated within the past three  
5 months to include the information necessary to determine whether the home  
6 meets foster care licensing standards.

7 G. This section shall not apply when the child is placed in a home by  
8 a means other than by court order and when the home receives no compensation  
9 from the state or any political subdivision of the state.

10 H. The division shall not prohibit a person operating a licensed  
11 foster home from applying for or receiving compensation as a foster home  
12 parent due to employment with the state of Arizona.

13 Sec. 3. Title 41, chapter 12, article 3.1, Arizona Revised Statutes,  
14 is amended by adding section 41-1758.07, to read:

15 41-1758.07. Foster parents; prospective foster parents;  
16 prospective adoptive parents; fingerprinting  
17 clearance cards

18 A. ON RECEIVING THE STATE AND FEDERAL CRIMINAL HISTORY RECORD OF A  
19 FOSTER PARENT, PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT, THE  
20 FINGERPRINTING DIVISION IN THE DEPARTMENT OF PUBLIC SAFETY SHALL COMPARE THE  
21 RECORD WITH THE LIST OF CRIMINAL OFFENSES THAT PRECLUDE THE PERSON FROM  
22 RECEIVING A FINGERPRINT CLEARANCE CARD. IF THE PERSON'S CRIMINAL HISTORY  
23 RECORD DOES NOT CONTAIN ANY OF THE OFFENSES LISTED IN SUBSECTIONS B AND C OF  
24 THIS SECTION, THE FINGERPRINTING DIVISION SHALL ISSUE THE PERSON A  
25 FINGERPRINT CLEARANCE CARD.

26 B. A FOSTER PARENT, PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE  
27 PARENT WHO IS SUBJECT TO REGISTRATION AS A SEX OFFENDER IN THIS STATE OR ANY  
28 OTHER JURISDICTION OR WHO IS AWAITING TRIAL ON OR WHO HAS BEEN CONVICTED OF  
29 COMMITTING OR ATTEMPTING, SOLICITING, FACILITATING OR CONSPIRING TO COMMIT  
30 ONE OR MORE OF THE FOLLOWING OFFENSES IN THIS STATE OR THE SAME OR SIMILAR  
31 OFFENSES IN ANOTHER STATE OR JURISDICTION IS PRECLUDED FROM RECEIVING A  
32 FINGERPRINT CLEARANCE CARD:

33 1. SEXUAL ABUSE OF A VULNERABLE ADULT.

- 1           2. INCEST.
- 2           3. HOMICIDE, INCLUDING FIRST OR SECOND DEGREE MURDER, MANSLAUGHTER AND
- 3 NEGLIGENT HOMICIDE.
- 4           4. SEXUAL ASSAULT.
- 5           5. SEXUAL EXPLOITATION OF A MINOR.
- 6           6. SEXUAL EXPLOITATION OF A VULNERABLE ADULT.
- 7           7. COMMERCIAL SEXUAL EXPLOITATION OF A MINOR.
- 8           8. COMMERCIAL SEXUAL EXPLOITATION OF A VULNERABLE ADULT.
- 9           9. CHILD PROSTITUTION AS PRESCRIBED IN SECTION 13-3212.
- 10          10. CHILD ABUSE.
- 11          11. FELONY CHILD NEGLECT.
- 12          12. ABUSE OF A VULNERABLE ADULT.
- 13          13. SEXUAL CONDUCT WITH A MINOR.
- 14          14. MOLESTATION OF A CHILD.
- 15          15. MOLESTATION OF A VULNERABLE ADULT.
- 16          16. DANGEROUS CRIMES AGAINST CHILDREN AS DEFINED IN SECTION 13-604.01.
- 17          17. EXPLOITATION OF MINORS INVOLVING DRUG OFFENSES.
- 18          18. TAKING A CHILD FOR THE PURPOSES OF PROSTITUTION AS PRESCRIBED IN
- 19 SECTION 13-3206.
- 20          19. NEGLECT OR ABUSE OF A VULNERABLE ADULT.
- 21          20. SEX TRAFFICKING.
- 22          21. SEXUAL ABUSE.
- 23          22. PRODUCTION, PUBLICATION, SALE, POSSESSION AND PRESENTATION OF
- 24 OBSCENE ITEMS AS PRESCRIBED IN SECTION 13-3502.
- 25          23. FURNISHING HARMFUL ITEMS TO MINORS AS PRESCRIBED IN SECTION
- 26 13-3506.
- 27          24. FURNISHING HARMFUL ITEMS TO MINORS BY INTERNET ACTIVITY AS
- 28 PRESCRIBED IN SECTION 13-3506.01.
- 29          25. OBSCENE OR INDECENT TELEPHONE COMMUNICATIONS TO MINORS FOR
- 30 COMMERCIAL PURPOSES AS PRESCRIBED IN SECTION 13-3512.
- 31          26. LURING A MINOR FOR SEXUAL EXPLOITATION.
- 32          27. ENTICEMENT OF PERSONS FOR PURPOSES OF PROSTITUTION.

1           28. PROCUREMENT BY FALSE PRETENSES OF PERSON FOR PURPOSES OF  
2 PROSTITUTION.

3           29. PROCURING OR PLACING PERSONS IN A HOUSE OF PROSTITUTION.

4           30. RECEIVING EARNINGS OF A PROSTITUTE.

5           31. CAUSING ONE'S SPOUSE TO BECOME A PROSTITUTE.

6           32. DETENTION OF PERSONS IN A HOUSE OF PROSTITUTION FOR DEBT.

7           33. KEEPING OR RESIDING IN A HOUSE OF PROSTITUTION OR EMPLOYMENT IN  
8 PROSTITUTION.

9           34. PANDERING.

10          35. TRANSPORTING PERSONS FOR THE PURPOSE OF PROSTITUTION, POLYGAMY AND  
11 CONCUBINAGE.

12          36. PORTRAYING ADULT AS A MINOR AS PRESCRIBED IN SECTION 13-3555.

13          37. ADMITTING MINORS TO PUBLIC DISPLAYS OF SEXUAL CONDUCT AS PRESCRIBED  
14 IN SECTION 13-3558.

15          38. ANY FELONY OFFENSE INVOLVING CONTRIBUTING TO THE DELINQUENCY OF A  
16 MINOR.

17          39. UNLAWFUL SALE OR PURCHASE OF CHILDREN.

18          40. CHILD BIGAMY.

19          41. ANY FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE AS DEFINED IN  
20 SECTION 13-3601.

21          42. ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12 IF  
22 COMMITTED WITHIN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT  
23 CLEARANCE CARD.

24          43. FELONY DRUG OR ALCOHOL RELATED OFFENSES IF COMMITTED WITHIN FIVE  
25 YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

26          44. KIDNAPPING.

27          45. FELONY INDECENT EXPOSURE.

28          46. FELONY PUBLIC SEXUAL INDECENCY.

29          47. ROBBERY, AGGRAVATED ROBBERY OR ARMED ROBBERY.

30          48. TERRORISM.

31          49. ANY OFFENSE INVOLVING A VIOLENT CRIME AS DEFINED IN SECTION  
32 13-604.04.



1 C. A FOSTER PARENT, PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE  
2 PARENT WHO IS AWAITING TRIAL ON OR WHO HAS BEEN CONVICTED OF COMMITTING OR  
3 ATTEMPTING, SOLICITING, FACILITATING OR CONSPIRING TO COMMIT ONE OR MORE OF  
4 THE FOLLOWING OFFENSES IN THIS STATE OR THE SAME OR SIMILAR OFFENSES IN  
5 ANOTHER STATE OR JURISDICTION IS PRECLUDED FROM RECEIVING A FINGERPRINT  
6 CLEARANCE CARD, EXCEPT THAT THE PERSON MAY PETITION THE BOARD OF  
7 FINGERPRINTING FOR A GOOD CAUSE EXCEPTION PURSUANT TO SECTION 41-619.55:

- 8 1. ANY MISDEMEANOR OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12.
- 9 2. MISDEMEANOR INDECENT EXPOSURE.
- 10 3. MISDEMEANOR PUBLIC SEXUAL INDECENCY.
- 11 4. AGGRAVATED CRIMINAL DAMAGE.
- 12 5. THEFT.
- 13 6. THEFT BY EXTORTION.
- 14 7. SHOPLIFTING.
- 15 8. FORGERY.
- 16 9. CRIMINAL POSSESSION OF A FORGERY DEVICE.
- 17 10. OBTAINING A SIGNATURE BY DECEPTION.
- 18 11. CRIMINAL IMPERSONATION.
- 19 12. THEFT OF A CREDIT CARD OR OBTAINING A CREDIT CARD BY FRAUDULENT  
20 MEANS.
- 21 13. RECEIPT OF ANYTHING OF VALUE OBTAINED BY FRAUDULENT USE OF A CREDIT  
22 CARD.
- 23 14. FORGERY OF A CREDIT CARD.
- 24 15. FRAUDULENT USE OF A CREDIT CARD.
- 25 16. POSSESSION OF ANY MACHINERY, PLATE OR OTHER CONTRIVANCE OR  
26 INCOMPLETE CREDIT CARD.
- 27 17. FALSE STATEMENT AS TO FINANCIAL CONDITION OR IDENTITY TO OBTAIN A  
28 CREDIT CARD.
- 29 18. FRAUD BY PERSONS AUTHORIZED TO PROVIDE GOODS OR SERVICES.
- 30 19. CREDIT CARD TRANSACTION RECORD THEFT.
- 31 20. MISCONDUCT INVOLVING WEAPONS.
- 32 21. MISCONDUCT INVOLVING EXPLOSIVES.
- 33 22. DEPOSITING EXPLOSIVES.

1           23. MISCONDUCT INVOLVING SIMULATED EXPLOSIVE DEVICES.

2           24. CONCEALED WEAPON VIOLATION.

3           25. MISDEMEANOR POSSESSION AND MISDEMEANOR SALE OF PEYOTE.

4           26. FELONY POSSESSION AND FELONY SALE OF PEYOTE IF COMMITTED MORE THAN  
5 FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

6           27. MISDEMEANOR POSSESSION AND MISDEMEANOR SALE OF A VAPOR-RELEASING  
7 SUBSTANCE CONTAINING A TOXIC SUBSTANCE.

8           28. FELONY POSSESSION AND FELONY SALE OF A VAPOR-RELEASING SUBSTANCE  
9 CONTAINING A TOXIC SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE  
10 DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

11          29. MISDEMEANOR SALE OF PRECURSOR CHEMICALS.

12          30. FELONY SALE OF PRECURSOR CHEMICALS IF COMMITTED MORE THAN FIVE YEARS  
13 BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

14          31. MISDEMEANOR POSSESSION, MISDEMEANOR USE OR MISDEMEANOR SALE OF  
15 MARIJUANA, DANGEROUS DRUGS OR NARCOTIC DRUGS.

16          32. FELONY POSSESSION, FELONY USE OR FELONY SALE OF MARIJUANA,  
17 DANGEROUS DRUGS OR NARCOTIC DRUGS IF COMMITTED MORE THAN FIVE YEARS BEFORE  
18 THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

19          33. MISDEMEANOR MANUFACTURE OR MISDEMEANOR DISTRIBUTION OF AN IMITATION  
20 CONTROLLED SUBSTANCE.

21          34. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION  
22 CONTROLLED SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF  
23 APPLYING FOR A FINGERPRINT CLEARANCE CARD.

24          35. MISDEMEANOR MANUFACTURE OR MISDEMEANOR DISTRIBUTION OF AN IMITATION  
25 PRESCRIPTION-ONLY DRUG.

26          36. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION  
27 PRESCRIPTION-ONLY DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF  
28 APPLYING FOR A FINGERPRINT CLEARANCE CARD.

29          37. MISDEMEANOR MANUFACTURE OR MISDEMEANOR DISTRIBUTION OF AN IMITATION  
30 OVER-THE-COUNTER DRUG.

31          38. FELONY MANUFACTURE OR FELONY DISTRIBUTION OF AN IMITATION  
32 OVER-THE-COUNTER DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF  
33 APPLYING FOR A FINGERPRINT CLEARANCE CARD.

1           39. MISDEMEANOR POSSESSION OR MISDEMEANOR POSSESSION WITH INTENT TO USE  
2 AN IMITATION CONTROLLED SUBSTANCE.

3           40. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN  
4 IMITATION CONTROLLED SUBSTANCE IF COMMITTED MORE THAN FIVE YEARS BEFORE THE  
5 DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

6           41. MISDEMEANOR POSSESSION OR MISDEMEANOR POSSESSION WITH INTENT TO USE  
7 AN IMITATION PRESCRIPTION-ONLY DRUG.

8           42. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN  
9 IMITATION PRESCRIPTION-ONLY DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE  
10 DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

11           43. MISDEMEANOR POSSESSION OR MISDEMEANOR POSSESSION WITH INTENT TO USE  
12 AN IMITATION OVER-THE-COUNTER DRUG.

13           44. FELONY POSSESSION OR FELONY POSSESSION WITH INTENT TO USE AN  
14 IMITATION OVER-THE-COUNTER DRUG IF COMMITTED MORE THAN FIVE YEARS BEFORE THE  
15 DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

16           45. MISDEMEANOR MANUFACTURE OF CERTAIN SUBSTANCES AND DRUGS BY CERTAIN  
17 MEANS.

18           46. FELONY MANUFACTURE OF CERTAIN SUBSTANCES AND DRUGS BY CERTAIN MEANS  
19 IF COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A  
20 FINGERPRINT CLEARANCE CARD.

21           47. ADDING POISON OR OTHER HARMFUL SUBSTANCE TO FOOD, DRINK OR  
22 MEDICINE.

23           48. A CRIMINAL OFFENSE INVOLVING CRIMINAL TRESPASS AND BURGLARY UNDER  
24 TITLE 13, CHAPTER 15.

25           49. A CRIMINAL OFFENSE UNDER TITLE 13, CHAPTER 23.

26           50. MISDEMEANOR OFFENSES INVOLVING CHILD NEGLECT.

27           51. MISDEMEANOR OFFENSES INVOLVING CONTRIBUTING TO THE DELINQUENCY OF A  
28 MINOR.

29           52. MISDEMEANOR OFFENSES INVOLVING DOMESTIC VIOLENCE AS DEFINED IN  
30 SECTION 13-3601.

31           53. ARSON.

32           54. FELONY OFFENSES INVOLVING SALE, DISTRIBUTION OR TRANSPORTATION OF,  
33 OFFER TO SELL, TRANSPORT OR DISTRIBUTE OR CONSPIRACY TO SELL, TRANSPORT OR

1       DISTRIBUTE MARIJUANA, DANGEROUS DRUGS OR NARCOTIC DRUGS IF COMMITTED MORE  
2       THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

3       55. CRIMINAL DAMAGE.

4       56. MISAPPROPRIATION OF CHARTER SCHOOL MONIES AS PRESCRIBED IN SECTION  
5       13-1818.

6       57. TAKING IDENTITY OF ANOTHER PERSON OR ENTITY.

7       58. AGGRAVATED TAKING IDENTITY OF ANOTHER PERSON OR ENTITY.

8       59. TRAFFICKING IN THE IDENTITY OF ANOTHER PERSON OR ENTITY.

9       60. CRUELTY TO ANIMALS.

10      61. PROSTITUTION, AS PRESCRIBED IN SECTION 13-3214.

11      62. SALE OR DISTRIBUTION OF MATERIAL HARMFUL TO MINORS THROUGH VENDING  
12      MACHINES AS PRESCRIBED IN SECTION 13-3513.

13      63. WELFARE FRAUD.

14      64. ANY FELONY OFFENSE IN VIOLATION OF TITLE 13, CHAPTER 12 IF  
15      COMMITTED MORE THAN FIVE YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT  
16      CLEARANCE CARD.

17      65. FELONY DRUG OR ALCOHOL RELATED OFFENSES IF COMMITTED MORE THAN FIVE  
18      YEARS BEFORE THE DATE OF APPLYING FOR A FINGERPRINT CLEARANCE CARD.

19      D. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, ON RECEIVING WRITTEN  
20      NOTICE FROM THE BOARD OF FINGERPRINTING THAT A GOOD CAUSE EXCEPTION WAS  
21      GRANTED PURSUANT TO SECTION 41-619.55, THE FINGERPRINTING DIVISION SHALL  
22      ISSUE A FINGERPRINT CLEARANCE CARD TO THE FOSTER PARENT, PROSPECTIVE FOSTER  
23      PARENT OR PROSPECTIVE ADOPTIVE PARENT.

24      E. IF THE FINGERPRINTING DIVISION DENIES A PERSON'S APPLICATION FOR A  
25      FINGERPRINT CLEARANCE CARD PURSUANT TO SUBSECTION C OF THIS SECTION AND A  
26      GOOD CAUSE EXCEPTION IS REQUESTED PURSUANT TO SECTION 41-619.55, THE  
27      FINGERPRINTING DIVISION SHALL RELEASE, ON REQUEST BY THE BOARD OF  
28      FINGERPRINTING, THE PERSON'S CRIMINAL HISTORY RECORD TO THE BOARD OF  
29      FINGERPRINTING.

30      F. A FOSTER PARENT, PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE  
31      PARENT SHALL BE GRANTED A FINGERPRINT CLEARANCE CARD PURSUANT TO THIS SECTION  
32      IF EITHER OF THE FOLLOWING APPLIES:

1           1. AN AGENCY GRANTED A GOOD CAUSE EXCEPTION BEFORE AUGUST 16, 1999 AND  
2 NO NEW PRECLUDING OFFENSE IS IDENTIFIED. THE FINGERPRINT CLEARANCE CARD  
3 SHALL SPECIFY ONLY THE PROGRAM THAT GRANTED THE GOOD CAUSE EXCEPTION. ON THE  
4 REQUEST OF THE APPLICANT, THE AGENCY THAT GRANTED THE PRIOR GOOD CAUSE  
5 EXCEPTION SHALL NOTIFY THE FINGERPRINTING DIVISION IN WRITING OF THE DATE ON  
6 WHICH THE PRIOR GOOD CAUSE EXCEPTION WAS GRANTED AND THE DATE OF THE  
7 CONVICTION AND THE NAME OF THE OFFENSE FOR WHICH THE GOOD CAUSE EXCEPTION WAS  
8 GRANTED.

9           2. THE BOARD GRANTED A GOOD CAUSE EXCEPTION AND NO NEW PRECLUDING  
10 OFFENSE IS IDENTIFIED. THE FINGERPRINT CLEARANCE CARD SHALL SPECIFY THE  
11 PROGRAMS FOR WHICH THE BOARD GRANTED THE GOOD CAUSE EXCEPTION.

12           G. THE DEPARTMENT OF ECONOMIC SECURITY SHALL ASSUME THE COSTS OF  
13 FINGERPRINT CHECKS CONDUCTED PURSUANT TO THIS SECTION AND MAY CHARGE THESE  
14 COSTS TO PERSONS REQUIRED TO BE FINGERPRINTED.

15           H. THE FINGERPRINTING DIVISION MAY CONDUCT PERIODIC STATE CRIMINAL  
16 HISTORY RECORDS CHECKS FOR THE PURPOSE OF UPDATING THE CLEARANCE STATUS OF  
17 CURRENT FINGERPRINT CLEARANCE CARD HOLDERS PURSUANT TO THIS SECTION AND MAY  
18 NOTIFY THE BOARD OF FINGERPRINTING AND THE DEPARTMENT OF ECONOMIC SECURITY OF  
19 THE RESULTS OF THE RECORDS CHECK.

20           I. THE FINGERPRINTING DIVISION SHALL REVOKE A PERSON'S FINGERPRINT  
21 CLEARANCE CARD ON RECEIPT OF A WRITTEN REQUEST FOR REVOCATION FROM THE BOARD  
22 OF FINGERPRINTING PURSUANT TO SECTION 41-619.55.

23           J. THE FINGERPRINTING DIVISION SHALL NOT ISSUE A FINGERPRINT CLEARANCE  
24 CARD TO A FOSTER PARENT, PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE  
25 PARENT IF THE DIVISION CANNOT DETERMINE, WITHIN THIRTY BUSINESS DAYS AFTER  
26 RECEIPT OF THE PERSON'S STATE AND FEDERAL CRIMINAL HISTORY RECORD  
27 INFORMATION, WHETHER THE PERSON IS AWAITING TRIAL ON OR HAS BEEN CONVICTED OF  
28 COMMITTING ANY OF THE OFFENSES LISTED IN SUBSECTION B OR C OF THIS SECTION.  
29 IF THE DIVISION IS UNABLE TO MAKE THE DETERMINATION REQUIRED BY THIS SECTION  
30 AND DOES NOT ISSUE A FINGERPRINT CLEARANCE CARD TO A PERSON, THE PERSON MAY  
31 REQUEST A GOOD CAUSE EXCEPTION PURSUANT TO SECTION 41-619.55.

32           K. IF AFTER CONDUCTING A STATE AND FEDERAL CRIMINAL HISTORY RECORDS  
33 CHECK THE FINGERPRINTING DIVISION DETERMINES THAT IT IS NOT AUTHORIZED TO

1       ISSUE A FINGERPRINT CLEARANCE CARD TO A FOSTER PARENT, PROSPECTIVE FOSTER  
2       PARENT OR PROSPECTIVE ADOPTIVE PARENT, THE DIVISION SHALL NOTIFY THE  
3       DEPARTMENT OF ECONOMIC SECURITY THAT THE FINGERPRINTING DIVISION IS NOT  
4       AUTHORIZED TO ISSUE A FINGERPRINT CLEARANCE CARD. THIS NOTICE SHALL INCLUDE  
5       THE CRIMINAL HISTORY INFORMATION ON WHICH THE DENIAL WAS BASED. THIS  
6       CRIMINAL HISTORY INFORMATION IS SUBJECT TO DISSEMINATION RESTRICTIONS  
7       PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.

8           L. THE FINGERPRINTING DIVISION IS NOT LIABLE FOR DAMAGES RESULTING  
9       FROM:

10           1. THE ISSUANCE OF A FINGERPRINT CLEARANCE CARD TO A FOSTER PARENT,  
11       PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT WHO IS LATER FOUND  
12       TO HAVE BEEN INELIGIBLE TO RECEIVE A FINGERPRINT CLEARANCE CARD AT THE TIME  
13       THE CARD WAS ISSUED.

14           2. THE DENIAL OF A FINGERPRINT CLEARANCE CARD TO A FOSTER PARENT,  
15       PROSPECTIVE FOSTER PARENT OR PROSPECTIVE ADOPTIVE PARENT WHO IS LATER FOUND  
16       TO HAVE BEEN ELIGIBLE TO RECEIVE A FINGERPRINT CLEARANCE CARD AT THE TIME  
17       ISSUANCE OF THE CARD WAS DENIED."

18   Amend title to conform

LINDA GRAY

2727lg  
04/01/2008  
1:02 PM  
C: jcs